

**REMARKS/ARGUMENTS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 7 and 9 are amended to correct minor informalities. Claims 3, 5, 15, and 24 were cancelled in previous responses. Claims 26-30 were withdrawn from consideration. As such, Claims 1, 2, 4, 6-14, 16, 18-23, 25, and 31-33 are now pending in this application.

**I. Claim Rejections Under 35 U.S.C. § 103(a)**

On page 3 of the Office Action, Claims 1, 2, 4, 6-14, 16, 18-23, 25, and 31-33 were rejected as being allegedly unpatentable over United States Patent No. 6,947,578 to Lee (hereinafter “Lee”) in view of United States Patent No. 6,340,978 to Mindrum (hereinafter “Mindrum”), and Lee, and further in view of United States Patent No. 6,111,506 to Yap et al. (hereinafter “Yap”). Applicants respectfully traverse.

A. Whether considered separately or in any combination, the cited references fail to teach, suggest, or describe all of the claimed elements

Previously presented independent Claim 1 recites, *inter alia*,

...**cross-matching** multiple factors of **the individual with at least some of the plurality of individuals** in the relational database to confirm the individual’s identity.  
(Emphasis added.)

Independent Claims 14 and 21 recite similar elements. By contrast, whether considered separately or in any combination, Lee, Mindrum, and Yap fail to teach, suggest, or describe at least these elements.

On page 6 of the instant Office Action, the Examiner concedes that Lee does not teach, suggest, or describe the above elements. However, on page 7 of the Office Action, the Examiner has relied upon col. 8, lines 1-17 of Yap, and asserts that Yap teaches the above elements. Applicants respectfully disagree. The cited portion of Yap reads:

The operation of a preferred embodiment of an improved security system is as follows. *An improved security identification document of a*

*person* or object attempting to gain access to a secured area such as a border, an airport boarding gate or a secured building interfaces with the improved security identification document interface device so that the information stored on the improved security identification document is accessible. At the same time, *biometrics data from the person is input or scanned* by a suitable biometrics recording device such as a camera for scanning a face, retina, ear, etc. or a palm or finger print scanner described above or any other suitable biometrics data input device. Then, *the comparison device* in the interface device compares all of the input data and transmits signals to an indicator to send a message or other signal for *indicating whether the biometrics data input by the person via the biometrics data input device matches the data stored on the improved security identification document.*

(Emphasis added.)

From the above passage, it is clear that contrary to the assertions made by the Examiner, Yap teaches matching *input data* of a person with the *stored data*, i.e., the security identification document, *of the same, single, person*, not with “at least some of the plurality of individuals” as claimed. Further, Applicants respectfully submit that Mindrum is also silent with respect to the above-mentioned elements as claimed.

For at least these reasons, Applicants respectfully submit that Claims 1, 14, and 21 are in condition for allowance, and request withdrawal of the rejection under 35 U.S.C. § 103(a). For at least the same reasons, Applicants respectfully request withdrawal of the rejection of Claims 2, 4, 6-13, and 31, which depend from Claim 1, Claims 16, 18-20, and 32, which depend from Claim 14, and Claims 22, 23, 25, and 33, which depend from Claim 21.

B. There is no reason, motivation, or suggestion to combine the cited references

Applicants respectfully submit that there is no reason, motivation, or suggestion to combine Lee, Mindrum, and Yap, or to modify the combined system to arrive at the claimed embodiments. This is also evident from the fact that Mindrum, Lee, and Yap all teach away from the claimed embodiments.

More specifically, Mindrum is directed toward a “user interface” that displays “information about *an entity*, such as *a person*, a business, a pet, a country, etc.” (Abstract; emphasis added.) With reference to Figure 2, Mindrum discloses a “memory tube 18 in use at a gravesite. The memory tube 18, with the information about the deceased individual stored

therein, is physically located within the coffin 28.” (Col. 5, lines 31-34). Thus, Mindrum discloses a virtual tombstone of a deceased individual. As the individual’s identity is already known, this is no reason, motivation, or suggestion to compare the individual’s information with other individuals’ information to confirm the identity of the deceased individual. Further, as the individual is already deceased, there is no reason to update the individual’s information, unlike the case for a live, constantly changing, person. Thus, Mindrum teaches away from the claimed invention.

Lee also teaches away from the claimed invention. Lee clearly requires that the plurality of images must be captured simultaneously so that the problems, which would arise if capturing the images at different times, “plaguing the separate capture of images is thus avoided.” (Col. 7, lines 66-67). These problems include “disuniformity of exposures,” and “the lack of precise correspondence between separately acquired views of subject 20.” (Col. 7, line 64 – col. 8, line 5). Figure 8A of Lee illustrates “a plurality of views 1152a, 1152b, 1152c of the subject captured concurrently from different angular perspectives.” (Col. 10, lines 30-32; Fig. 8A). Thus, Lee teaches avoiding capturing the images at different times.

Moreover, Yap also teaches away from the claimed invention. Yap is directed toward an “improved identification document” (see, the Title). Such document is used at, for example, an airport, where as described in col. 8, lines 43-65:

[a] passenger arrives at the ticket counter and presents a ticket agent with an airline ticket and an improved security personal identification document such as a passport or driver's license having an embedded integrated circuit with encrypted biometrics data, such as a digitized facial image such as a two-dimensional or three-dimensional image; a palm print, finger print, retina scan voice print or other suitable biometrics data, stored therein for identifying the passenger. Before issuing a boarding pass or checking luggage, the ticket agent may first verify the identity of the passenger by making sure that *the biometrics information stored on the improved security identification document matches that of the passenger*. Accordingly, the ticket agent asks the passenger to interface with the suitable biometrics data input device, such as a facial capture device, a palm scanner, fingerprint scanner, retina scanner, voice pattern processor scanner or other suitable biometrics data input device. Using the biometrics data input device and the identification document interface device, the ticket agent checks to see if the *biometrics*

*information stored on the improved security identification document matches biometrics information input by the passenger to the biometrics data input device.*

(Emphasis added.)

Thus, the system of Yap merely attempts to match information stored in a single passenger's improved security identification document with the information input by the single passenger. Indeed, at places like an airport it is only needed to confirm whether the passenger is the same person as he or she claims to be. There is no need for the ticket agent, nor is the ticket agent permitted by the law, to try to match the passenger's information with information of a plurality of individuals.

The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit. The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that “ ‘[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.’ ” *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1396. Exemplary rationales that may support a conclusion of obviousness include, for example, that “[k]nown work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art,” and “[S]ome teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.” (Examination Guidelines for Determining Obviousness under 35 U.S.C. 103, MPEP 2141; emphasis added).

Thus, *KSR* does not relieve the Examiner from considering the prior art reference as a whole. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). Further, it is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). The fact that all the cited references

teach away from the claimed invention strongly suggests that there is no reason, motivation, or suggestion to combine Lee, Mindrum, and Yap.

In view of the above, Applicants respectfully submit that Claims 1, 14, and 21 are in condition for allowance, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a). For at least the same reasons, Applicants respectfully request withdrawal of the rejection of Claims 2, 4, 6-13, and 31, which depend from Claim 1, Claims 16, 18-20, and 32, which depend from Claim 14, and Claims 22, 23, 25, and 33, which depend from Claim 21.

C. Claims 7 and 19

Claim 7 depends from Claim 1, and thus should be allowable for at least the reasons discussed above with respect to Claim 1. In addition, Claim 7 recites, *inter alia*, “conducting **a user-defined search** among digital information associated with the **plurality of individuals**.” (Emphasis added.) Claim 19 depends from Claim 14, and additionally recites elements similar to those discussed above with respect to Claim 7.

On page 27 of the Office Action, the Examiner asserts that col. 6, lines 5-23 of Mindrum teaches the above elements. Applicants respectfully disagree. The cited portion of Mindrum reads:

FIG. 5 illustrates a graphical user interface 60 for accessing information about the individual, which can be displayed in a multitude of situations, such as during a funeral, at the cemetery, on-line as a tribute, obituary, or biography, etc. The screen 61 has a variety of selection options for the user to view and access the data. Selection options can take a variety of forms including buttons, mouse selections, keyboard selections, menu items, touch screens, voice commands, and the like. *The screen 61 includes a list of relatives 62 associated with the individual.* Preferably, the list 62 is arranged in a hierarchial display to graphically show the relationship of each relative in the list 62. Each individual on the *list 62 will have a link to a screen associated with that relative.* Preferably, *relatives on the list 62 will be color-coded to indicate whether a screen exists for that relative,* and whether that relative's screen has been visited yet in a particular use session. Preferably, direct relatives, such as the wife 65 and children 66, are showed separate from the other relatives 62. (Emphasis added.)

Thus, Mindrum teaches a list of relatives of the individual, which may be interpreted as a “plurality of individuals.” However, Mindrum merely teaches that the list may be each linked to a screen for a user to *select* and view. There is nothing showing or suggesting that a user can conduct a “user-defined search” among the relatives as claimed. Indeed, Mindrum is directed to a virtual tomb stone (see, e.g., Fig. 2), where a limited number of relatives are listed (see, e.g., Fig. 5), which is sufficiently simple to navigate through by system-defined links, e.g., through a simple selection using a touch screen. Thus, there is no reason to use a “user-defined search.”

In view of the above, Applicants respectfully submit that Claims 7 and 19 are in condition for allowance for at least these additional reasons, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

D. Claims 8 and 20

Claims 8 and 20 depend from Claims 7 and 19, respectively, and thus should be allowable for at least the reasons discussed above with respect to Claims 7 and 19.

In addition, Claims 8 and 20 each recite, conducting “a second search for more results similar to a search result from the user-defined search.” On pages 27-28, the Examiner again has relied upon col. 6, lines 5-23 of Mindrum, quoted above, and asserts that Mindrum teaches these additional elements. Applicants respectfully disagree. The above-quoted portion and, in fact, the whole disclosure, of Mindrum are completely silent with respect to “a second search,” nor is there any reason, motivation, or suggestion to modify Mindrum to arrive at the claimed embodiments.

In view of the above, Applicants respectfully submit that Claims 8 and 20 are in condition for allowance for at least these additional reasons, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

E. Claim 11

Claim 11 depends from Claim 1, and thus should be allowable for at least the reasons discussed above with respect to Claim 1.

In addition, Claim 11 recites that “the processing the media, biometric, and database information to **extract, analyze and sort through** digital information associated with the plurality of individuals includes analyzing the media, biometric, and database information **with respect to identification factors.**” (Emphasis added.) On page 29 of the Office Action, the Examiner asserts that Mindrum teaches these elements. Applicants respectfully disagree. As discussed above, Mindrum is directed to a virtual tomb stone for a person whose identity is already known. Further, the relatives of the person are already well documented. Thus, there is no need to “extract, analyze and sort through the digital information” associated with the relatives, particularly “with respect to identification factors.”

In view of the above, Applicants respectfully submit that Claim 11 is in condition for allowance for at least these additional reasons, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

F. Claim 12

Claim 12 depends from Claim 1, and thus should be allowable for at least the reasons discussed above with respect to Claim 1.

In addition, Claim 12 recites that “the processing the media, biometric, and database information to extract, analyze and sort through digital information associated with the plurality of individuals includes comparing captured media, biometric, and database information of a **first individual with** media, biometric, and database information of a **number of categorized individuals to find a best match.**” (Emphasis added.)

On page 30 of the Office Action, the Examiner asserts that Mindrum teaches these elements because Mindrum discloses

...chronological history and background of a life--complete with pictures, important documents, completed personal information questionnaires, audio and video clips, and other information, col. 3, lines 25-37, See Fig. 15.

However, this passage does not address “comparing” information of the individual with information of “a number of categorized individuals to find a best match” as claimed. Thus, the rejection is improper and should be withdrawn.

Applicants further respectfully submit that Mindrum is silent with respect to the above-mentioned elements of Claim 12. Indeed, as discussed above, Mindrum is directed to a virtual tomb stone for *a person whose identity is already known*. Thus, there is no need to compare information of the person with “a number of categorized individuals to find a best match.”

In view of the above, Applicants respectfully submit that Claim 12 is in condition for allowance for at least these additional reasons, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

## **II. Conclusion**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

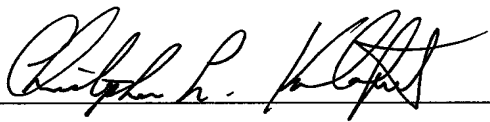
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extension of time is needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extension fees to Deposit Account No. 19-0741.



Respectfully submitted,

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